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12	Attorneys for Debtors and Debtors-in-Possession	
13	UNITED STATES BANKRUPTCY COURT	
	DISTRICT OF NEVADA	
14	In re:	Case No. BK-S-06-10725 LBR
15	USA COMMERCIAL MORTGAGE COMPANY, Debtor.	Case No. BK-S-06-10726 LBR Case No. BK-S-06-10727 LBR
16	In re:	Case No. BK-S-06-10728 LBR
17	USA CAPITAL REALTY ADVISORS, LLC,	Case No. BK-S-06-10729 LBR
17	Debtor.	Chapter 11
18	In re: USA CAPITAL DIVERSIFIED TRUST DEED	Jointly Administered Under
19	FUND, LLC,	Case No. BK-S-06-10725 LBR
20	Debtor.	
-0	In re:	

USA CAPITAL FIRST TRUST DEED FUND, LLC,

Debtor.

22 In re:

USA SECURITIES, LLC, 23

Affects: 24

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☐ All Debtors **■** USA Commercial Mortgage Company

□ USA Securities, LLC

☐ USA Capital Realty Advisors, LLC

☐ USA Capital Diversified Trust Deed Fund, LLC

☐ USA Capital First Trust Deed Fund, LLC

**USA COMMERCIAL MORTGAGE COMPANY'S NOTICE OF** WITHDRAWAL WITHOUT PREJUDICE OF ITS OBJECTION **TO PROOF OF CLAIM NO. 1383** FILED BY LIBERTY BANK

Debtor.

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PLEASE TAKE NOTICE that USA Commercial Mortgage Company ("USACM"), by
and through its counsel, hereby withdraws without prejudice its objection filed on December 11,
2006 (Docket No. 2022) (the "Objection") to Claim No. 1383 filed by Liberty Bank. Accordingly
USACM requests that the hearing on the Objection currently scheduled for January 17, 2007, at
9:30 a.m. be vacated.

The withdrawal of the Objection without prejudice is based on an agreement reached between USACM and Liberty Bank to add clarifying language to the proposed order confirming the Debtors' Third Amended Joint Chapter 11 Plan of Reorganization ("Plan") that will resolve Liberty Bank's objection to the Plan. In conjunction with this agreement, Liberty Bank has agreed to withdraw its ballot rejecting the Plan and its Rule 3018 motion filed on December 14, 2006 (Docket No. 2106), and USACM has agreed to withdraw the Objection without prejudice, reserving the right to object to or file an adversary proceeding respecting Liberty Bank's claim at a later time.

Respectfully submitted this 15th day of December, 2006.

## /s/ Jeanette E. McPherson

Lenard E. Schwartzer, Nevada Bar No. 0399 Jeanette E. McPherson, Nevada Bar No. 5423 SCHWARTZER & MCPHERSON LAW FIRM 2850 South Jones Boulevard, Suite 1 Las Vegas, Nevada 89146

and

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